



**CITY OF SCOTTSDALE
PERSONNEL BOARD**

**REGULAR MEETING
3:30 p.m., Thursday, April 16, 2009
Human Resources Verde Conference Room
7575 E. Main Street
Scottsdale, Arizona 85251**

MINUTES

PRESENT: Armando Flores, Chair
Lyle Ferger
Linée Ferguson

STAFF: LaVerne Parker Diggs
Clifford Frey
Bernadette LaMazza
Valerie Wegner

GUEST: Jay Osborn

CALL TO ORDER

Mr. Frey called the Personnel Board regular meeting to order at 3:30 p.m. Roll call confirmed the presence of Board members as noted.

**1. APPROVAL OF MINUTES OF PUBLIC MEETING CONDUCTED ON
AUGUST 26, 2008**

**BOARD MEMBER FLORES MOVED TO APPROVE THE PUBLIC MEETING MINUTES OF
AUGUST 26, 2008. BOARD MEMBER FERGUSON SECONDED THE MOTION, WHICH
CARRIED BY A UNANIMOUS VOTE OF THREE (3) TO ZERO (0).**

2. INTRODUCTION OF NEW BOARD MEMBER

Mr. Frey asked the newest board member, Lyle Ferger, to introduce himself. Board Member Ferger indicated he has lived in the City for 50 years, and worked for the City for 30 years in

the Public Works Department. He stated he has been interested in being appointed to the Personnel Board for quite some time.

3. DISCUSSION ON PERSONNEL BOARD HEARINGS AND BOARD MEMBER RESPONSIBILITIES

Ms. Wegner explained that the role of the Personnel Board is to hear appeals from employees who are in disagreement with discipline they have received. Hearings are held, which are very similar to a courtroom setting. Appellants and respondents are given the opportunity to present exhibits and call witnesses to testify on their behalf. This is typically an all-day process, with the respondent presenting their case first. The appellant then presents his or her case, and the Board deliberates to determine if it is in agreement with the discipline imposed. If the Board is in disagreement, it must list the findings of fact supporting its decision. The Board then makes a recommendation to the City Manager to either uphold the discipline, change it to a lesser action, or recommend no discipline. The City Manager will review a transcript of the hearing and determine whether he is in agreement with the recommendation.

Ms. LaMazza indicated that at the conclusion of the hearing, a review of the Board's discussion and decision will be read for clarification.

Mr. Frey noted that hearings are subject to the Open Meeting Law, and there may be times when the Board would like to recess into executive session to discuss the details; however, findings will be discussed and voted upon in open session at the end of the meeting. He asked that the Board Members read through the Rules of Procedure for the Board before the first hearing. The Chairperson controls the hearing and makes rulings on motions and evidence. Mr. Frey clarified that Board Members are given the opportunity to ask questions of witnesses, if necessary.

Ms. Wegner indicated the respondent and appellant are given a deadline to submit exhibits and witness lists, which are given to Board Members approximately one week before the hearing. Mr. Frey reminded the Board Members not to discuss this information with other Board Members outside of the hearing because it would violate Open Meeting Laws. This includes emails, phone calls, and personal conversations.

Mr. Frey presented Chair Flores with the updated Ethics Training DVD for review. He asked that he sign the appropriate form and return it with the DVD when he has completed the training.

Chair Flores stated the binder Ms. Wegner provides for each hearing is very comprehensive. There have never been any surprises in terms of substantive data presented by either side that was not already reflected in the binder.

Chair Flores explained that when it is time for the Board to make a decision, each Board Member usually makes a statement regarding their feelings about the information received and testimony presented.

Chair Flores stated the previous board maintained the practice of not talking about any case before or after the hearing to anyone who is not a member of the Board in order to preserve the privacy of the individuals involved.

4. ELECTION OF CHAIRPERSON

BOARD MEMBER FERGUSON MOVED TO ELECT BOARD MEMBER FLORES AS THE NEW CHAIR OF THE PERSONNEL BOARD. BOARD MEMBER FERGER SECONDED THE MOTION, WHICH CARRIED BY A UNANIMOUS VOTE OF THREE (3) TO ZERO (0).

5. SCHEDULING OF TWO PERSONNEL BOARD HEARINGS

Mr. Frey turned the meeting over to newly appointed Chair Flores.

Chair Flores noted there are two pending hearings that have not yet been scheduled. Ms. Wegner suggested the Board take action on these matters. One is a new appeal that was received prior to the last hearing, which was continued. Because the new appeal was received before the previous appellant requested a continuance, it should be scheduled first. She recommended the first hearing be scheduled for the week of May 18th, which would allow ample time for each party to prepare.

Board Members discussed what days of the week are best for their schedules, and decided to schedule the first hearing for Thursday, May 21, 2009. Ms. Wegner stated she would prepare the official hearing notice tomorrow. The second hearing will be held on Tuesday, June 9, 2009.

6. DISCUSSION OF PERSONNEL BOARD HEARING/MEETING SCHEDULE FOR THE REMAINDER OF 2009

The Board agreed to hold all future meetings and hearings on the second Tuesday of each month. Due to the seriousness of these matters, all Board Members will be present for each hearing.

7. FUTURE AGENDA ITEMS

Chair Flores asked if it would be appropriate to appoint a Vice Chair for the Board. Mr. Frey stated the rules indicate that the Chairperson will designate a Vice Chair in the event of his absence.

ADJOURNMENT

With no further business to discuss, the meeting adjourned at 4:01 p.m.

Respectfully submitted,
Bernadette LaMazza
HR Staffing Services Manager

Reviewed by
Armando Flores
Chairperson, Personnel Board